

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

DALMATIA IMPORT GROUP, INC. and	:	
MAIA MAGEE,	:	
Plaintiffs,	:	Case No. 2:16-cv-02767-EGS
	:	
vs.	:	
	:	
FOODMATCH, INC. et al.,	:	
Defendant.	:	
	:	

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**PRETRIAL MEMORANDUM OF DEFENDANTS LANCASTER FINE FOODS, INC.,  
EARTH PRIDE ORGANICS, LLC, C.O. NOLT AND MICHAEL S. THOMPSON**

**FOX ROTHSCHILD LLP**

George J. Krueger, Esquire

Brian A. Berkley, Esquire

Alexandra C. Scanlon, Esquire

2000 Market Street, 20<sup>th</sup> Floor

Philadelphia, PA 19103-3222

Tel.: (215) 299-2000

Fax: (215) 299-2150

Email: gkrueger@foxrothschild.com

Email: bberkley@foxrothschild.com

Email: ascanlon@foxrothschild.com

*Attorneys for Lancaster Fine Foods, Inc., Earth  
Pride Organics, LLC, C.O. Nolt and Michael S.  
Thompson*

Dated: January 25, 2017

Defendants Lancaster Fine Foods, Inc., Earth Pride Organics, LLC, C.O. Nolt and Michael S. Thompson and C.O. Nolt (collectively “Lancaster” or “Defendants”), by and through their undersigned counsel, submit this Pretrial Memorandum in advance of trial, which is scheduled to commence on January 31, 2017.

**I. Brief Statement of the Nature of the Action and the Basis for Jurisdiction.**

As set forth by Defendants in their Motion for Summary Judgment, despite Dalmatia’s efforts to convince the Court otherwise, this is a simple case. In 2015, after a profitable seven-year relationship, Dalmatia decided to replace its distributor, FoodMatch, and its co-packer, Lancaster. If Dalmatia left things at that, the parties would not be in litigation today. Yet, Dalmatia, fearful of old-fashioned competition, decided to overreach. It sought to cripple its would-be competitor, FoodMatch, by leaving it with unfulfilled purchase orders, thereby weakening it and leaving a hoped-for vacuum in the marketplace for Dalmatia and its new distributor, Atalanta, to fill in the New Year.

To execute this plan, Dalmatia directed Lancaster, in late October 2015, to expedite production of six truckloads of fig jam product, even though Dalmatia had already decided to terminate Lancaster in favor of Hermes, a Croatian-based manufacturer owned by Dalmatia’s 50% owner. Dalmatia then wrongfully sought to cancel this production a few days later based on pretextual “quality” concerns. By tying up Lancaster’s production schedule and resources during the critical fourth quarter, and with knowledge that Lancaster was already vulnerable financially, Dalmatia sought to cripple Lancaster’s ability to supply any competitor of Dalmatia.

Distilled to its essence, the primary issues in Dalmatia’s case include: (i) whether a Supply Agreement between it and non-party Beanies of Lancaster is an enforceable contract which governed these parties’ relationship; (ii) whether the Defendants’ sale of genuine product to

Dalmatia's exclusive distributor, FoodMatch, Inc. ("FoodMatch") pursuant to open purchase orders constituted trademark infringement; and (iii) whether Defendants misappropriated Dalmatia's trade secrets in manufacturing Divina brand fig spread on behalf of co-defendant, FoodMatch.

Defendants dispute Dalmatia's claims and legal theories on the basis that, *inter alia*, Dalmatia misconstrues the law and proceeds with unclean hands. Moreover, Lancaster has asserted a Counterclaim for, *inter alia*, damages incurred by Lancaster as a result of Dalmatia's demands and alterations to product during the course of Lancaster's performance, unjust enrichment, commercial disparagement of Lancaster during the dissolution of the parties' relationship as well as conspiracy and trespass related to an undercover investigation/intrusion onto Lancaster's premises orchestrated by Dalmatia's principal, Maia Magee, during this litigation. Lancaster's claims are set forth in its First Amended Counterclaim. *See* Dkt. No. 190.

This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332 because the parties are citizens of different states and the matter in controversy exceeds the sum of \$75,000.

## **II. Counter-Statement of Facts.**

Defendants incorporate, by reference, their Statement of Undisputed Facts in Support of Defendants' Motions for Summary Judgment. *See* Dkt. No. 147-2.

## **III. List of Monetary Damages.**

In a November 1, 2016 Expert Report, Defendants' damages expert, Stephen J. Scherf, CPA/ABV, CFE, CVA, calculated Lancaster's monetary damages as a result of Dalmatia and Ms. Magee's conduct as follows:

**Table 1 – Summary of Damages**

PO Damages - 5 POs	\$0
PO Damages - 3 POs	\$0 - \$117,504
PO Damages - Including Nolt impact	(\$125,856)
PO Damages - Dalmatia Unjust enrichment (3POs)	\$263,520
PO Damages - Three days lost production	\$24,000
Change Damages – slower production	\$96,379
Change Damages – unpaid R&D time	\$33,000
Change Damages – test batches	\$16,321
Change Damages - 734 cases destroyed	\$7,986
Change Damages – supplies & ingredients	\$28,869
Change Damages – lost business opportunities	\$200,000
Change Damages – Rent (LFF)	\$56,250
Change Damages – Rent (Nolt)	\$36,000
Change Damages – Increased finance costs	\$208,000

Mr. Scherf opined, within a reasonable degree of professional certainty, that Lancaster suffered purchase order and change order damages from \$808,469 to \$1,087,829.

#### **IV. Witnesses Defendants Intend to Call at Trial.**

Defendants intend to call the following individuals at trial:

1. Michael Thompson
2. Matthew Hunt
3. R.C. Stevens (by designation)
4. Dick Johnsons (by designation)
5. Stephen Scherf
6. Hannah Dunlap (may call)
7. Judi Straub (may call)
8. Christie Oliver (may call)
9. Mark Thompson (may call)
10. Alex Thompson (may call)
11. Scott Goldsmith (may call)
12. Tom Koslowsky (may call)
13. Neb Chupin – individually and on behalf of Dalmatia (may call)
14. Maia Magee – individually and on behalf of Dalmatia (may call)
15. Jazmine Sanlley (may call)
16. Doug Harris (may call)
17. David Esh (may call)
18. Tom Gellert (may call, as if on cross)
19. East Lampeter Police Detective (may call)
20. Jonathan Pernell (may call)

Defendants, along with co-Defendant FoodMatch, Inc., intend to call the following joint defense expert witnesses at trial:

1. Dr. John Stanton
2. Dr. Marc Meyers
3. Mona Wolf

Defendants further cross designate witnesses disclosed on Dalmatia's witness list and reserve the right to supplement or amend the foregoing list based on pre-trial and trial developments. They also reserve the right to call additional witnesses in response to any witnesses Dalmatia may call in its rebuttal case.

**V. Schedule of all Defendants' Exhibits.**

The current schedule of Defendants' Trial Exhibits is attached hereto as **Exhibit "A"**. Defendants respectfully reserve the right to supplement or amend their exhibit list based on pre-trial and trial developments. Defendants further reserve the right to create graphic descriptions of evidence, charts, graphs and other demonstratives.

**VI. Estimated Number of Days for Trial.**

Defendants estimate that they will likely require approximately 5 days for the presentation of their case, although this could vary based on a number of factors, including the court's anticipated rulings on the parties' respective motions for summary judgment and the nature of the trial proceedings which occur during the case in chief offered by Dalmatia and FoodMatch.

**VII. Special Comments Regarding Legal Issues, Stipulations, Amendments of Pleadings or other Appropriate Matters.**

None at this time given the Court's familiarity with the litigation; however, Defendants incorporate by reference their Omnibus Motion for Summary Judgment and Opposition to Dalmatia's Motions for Summary Judgment. Defendants further incorporate their Motions in Limine and Opposition to the Motions in Limine of Dalmatia.

Respectfully submitted,

**FOX ROTHSCHILD LLP**

George J. Krueger

George J. Krueger, Esquire

Brian A. Berkley, Esquire

Alexandra C. Scanlon, Esquire

2000 Market Street, 20<sup>th</sup> Floor

Philadelphia, PA 19103-3222

Tel.: (215) 299-2000

Fax: (215) 299-2150

Email: gkrueger@foxrothschild.com

Email: bberkley@foxrothschild.com

Email: ascanlon@foxrothschild.com

*Attorneys for Lancaster Fine Foods, Inc., Earth  
Pride Organics, LLC, C.O. Nolt and Michael S.  
Thompson*

Date: January 25, 2017

**CERTIFICATE OF SERVICE**

I hereby certify that on January 25, 2017 a true and correct copy of the foregoing Defendants' Pretrial Memorandum was served via the Court's ECF system providing a copy and notice to all counsel of record, including:

*Counsel for Dalmatia Import Group, Inc.:*

**SAMUEL EZRA COHEN, ESQUIRE**  
GROSS MCGINLEY LLP  
33 S. 7TH ST.  
P.O. BOX 4060  
ALLENTOWN, PA 18105  
Email: scohen@grossmcginley.com

**LAUREN E. HANDEL, ESQUIRE**  
HANDEL FOOD LAW LLC  
75 WASHINGTON VALLEY RD #416  
BEDMINSTER, NJ 07921  
Email: lauren@handelfoodlaw.com

**MICHAEL S. NADEL, ESQUIRE**  
**JOHN DABNEY, ESQUIRE**  
MCDERMOTT WILL & EMERY LLP  
500 NORTH CAPITOL STREET NW  
WASHINGTON, DC 20001  
Email: mnadel@mwe.com  
Email: jdabney@mwe.com

*Counsel for FoodMatch, Inc.:*

**RICHARD FELDMAN, ESQUIRE**  
**MICHAEL SMITH, ESQ.**  
ROSENBERG FELDMAN SMITH LLP  
551 FIFTH AVE., FLOOR 24  
NEW YORK, NEW YORK 10176  
Email: rfeldman@rfs-law.com  
Email: msmith@rfs-law.com

Alexandra C. Scanlon  
Alexandra C. Scanlon

Dated: January 25, 2017

# **EXHIBIT A**

## Defendant Lancaster Fine Foods' Trial Exhibit List

EX. #	DATE	DESCRIPTION	DEP. EX. #	BATES
1	12/6/2004	International Distributor Agreement	Neb 2	N/A
2	8/18/2005	Email from Magee to Meldrum dated 8/18/05 attaching SMS contract.	Neb 3	N/A
3	1/16/2006	Email from Magee to Chupin dated 1/16/06 attaching SMS letter.	Neb 4	N/A
4	5/8/2006	Email from Magee to Meldrum dated 5/8/06 RE: forgot some Canada info.	Neb 5	N/A
5	7/6/2006	"Synergistic Rheological Behaviour of Mixed HM/LM Pectin Gels"	Mitchell 8	N/A
6	9/22/2006	International Private Label Supply and Distribution Agreement - 9/22/06	Neb 6	DIG 00006781-92
7	10/17/2006	Hermes Organic Certificate	Neb 7	DIG 00019124
8	12/28/2006	Email from Chupin to Meldrum dated 12/28/06 attaching WF letter 12.24.doc	Neb 8	N/A
9	8/6/2007	Email from Chupin to Hunt dated 8/6/07 RE: "secret ingredient"	Neb 9	DIG 00011681-691
10	10/10/2007	Email chain between Chupin and Hunt dated 10/10/07 RE: figs	Hunt 2	DIG 00000089-90
11	1/8/2008	EPO – PA Certificate of Organization – Domestic Limited Liability Company -2008	N/A	N/A
12	2/13/2008	Email chain between Esh and Michael Thompson dated 2/13/08 RE: Proposal	Harris/Esh 8	Harris 00012-13
13	2/15/2008	Email chain between Esh and Dave and Arlene Esh dated 2/15/08 FW: Proposal	Thompson, Mike 1	Esh_Fox0001264
14	2/18/2008	Letter from Michael Thompson to Esh dated 2/18/08 RE: Acquisition of Beanies of Lancaster and C.O. Nolt & Son, Inc.	Harris/Esh 6	Harris 00004-10
15	2/29/2008	Asset Purchase and Sale Agreement dated 2/29/2008	Harris/Esh 1	N/A
16	3/7/2008	Email from Chupin to Hunt dated 3/7/08 RE: figs	Neb 10	DIG 00011948-952
17	3/10/2008	Email from Chupin to info@riku.com dated 3/10/08 RE: erka type 181	Neb 11	DIG 0011953

## Defendant Lancaster Fine Foods' Trial Exhibit List

EX. #	DATE	DESCRIPTION	DEP. EX. #	BATES
18	3/20/2008	Email from Chupin to Sanlley dated 3/20/08 FW: WG import-important	Neb 12	DIG 00011973-974
19	3/26/2008	Email from Chupin to Hunt dated 3/26/08 FW: New US samples	Hunt 3	DIG 00000159-160
20	4/15/2008	"Designing Your Sensory Test for Simple and Effective Statistical Analysis"	Mitchell 10	N/A
21	4/25/2008	Email from Buechler to Meldrum dated 4/25/08 RE: Dalmatia fig spread Penn. Plant visit recap	Buechler 1	FM0028163-166
22	4/28/2008	Email from Hunt to Harris dated 4/28/08 RE: Dalmatia Imports	Hunt 11	LFF0013317
23	7/16/2008	Product Manufacture and Supply Agreement	Hunt 4	DIG 00000457-473
24	8/12/2008	EPO – PA Articles of Incorporation – For Profit – 2008	N/A	N/A
25	10/14/2008	Email from Harris to Mark Thompson dated 10/14/08 RE: Dalmatia update	LFF 11	LFF0020158
26	10/14/2008	Email form Mike Thompson to Straub dated 10/14/08 FW: Brubaker	LFF 5	LFF0024256-257
27	11/21/2008	Email from Magee to Buechler dated 11/21/08 RE: Lancaster production batches	Buechler 3	DIG 00012110-112
28	12/2/2008	Email from Buechler to Oliver dated 12/2/08 FW: 26100 Beanies production samples	Greenberg 16	LFF0019585-587
29	12/12/2008	Email from Harris to Oliver dated 12/12/08 FW: labels for Dalmatia	LFF 3	LFF0019553-555
30	3/31/2009	Email chain between Mike Thompson and Harris dated 3/31/09 RE: batch comments	Thompson, Mike 10	LFF0007383-387
31	4/2/2009	Email from Greenberg to Oliver dated 4/2/09 RE: Batch comments	Greenberg 14	LFF0007192-197
32	6/1/2009	Email from Straub to Harris dated 6/1/09 RE: flow charts	Thompson, Mike 2	LFF0005685-687
33	10/22/2009	Email from Oliver to Harris dated 10/22/09 FW: QC issue: Dark/Burnt Fig Spread	Greenberg 13	LFF0002271-73
34	7/22/2009	Email from Oliver to Harris dated 7/22/09 RE: Figs	Oliver 4	N/A
35	2/4/2010	Email from Hunt to Chupin dated 2/4/10 RE: issues and pricing	Neb 14	DIG 00007604-610-(pages out of sequence)

## Defendant Lancaster Fine Foods' Trial Exhibit List

EX. #	DATE	DESCRIPTION	DEP. EX. #	BATES
36	3/6/2010	Email chain between Doug Harris and Dalmatia (Magee/Chupin) dated 3/6/10 RE: Product Update	Harris/Esh 3	N/A
37	3/24/2010	Email from Sanlley to Straub dated 3/24/10 RE: New PO 19910 with attachments	Dalmatia 5	N/A
38	4/26/2010	Email chain between Gross and Chupin dated 4/26/10 RE: Sofi award	Magee 6	N/A
39	6/1/2010	Email chain between Gross and Chupin dated 6/1/10 RE: NY Fancy Food show	Magee 7	N/A
40	7/29/2010	Email from Gross to Chupin dated 7/29/10 FW: Foodmatch Focus, July 2010	Magee 8	FM0034005-008
41	10/2/2010	Email from Chupin to Hunt dated 10/2/10 RE: new sample	Neb 16	DIG 00007710
42	N/A	Amendment to International Private Label Supply and Distribution Agreement Between Dalmatia and Hermes - unsigned	Neb 15	DIG 00007670
43	3/10/2011	Amendment to International Private Label Supply and Distribution Agreement Between Dalmatia and Hermes dated 3/10/11 - Signed	Neb 17	DIG 00019883
44	4/13/2011	Dalmatia Imports Meeting Summary dated 4/13&14/2011	Harris/Esh 5	Harris 00001-3
45	4/21/2011	Email chain between Chupin and Judi dated 4/21/11 RE: Batch 302	Harris/Esh 4	DIG 00000328-329
46	1/3/2012	Email chain between Chupin and Magee dated 1/3/12 RE: Product quality - urgent	Sanlley 3	DIG 00007778-79
47	3/1/2012	"Acids in Confections"	Mitchell 9	N/A
48	10/26/2012	Email chain between Chupin and Sanlley dated 10/26/12 RE: Customer request for information	Chupin 19	DIG 00007825-830
49	N/A	Chart of Dalmatia fig spread cost/price/gross margin	Fuerst 2	DEF26042
50	11/5/2013 - 2/27/2016	Various text messages dated 11/5/13 - 2/27/16	Neb 59	DIG 00020157-193
51	11/19/2013	Email from Marianos to Meldrum dated 11/19/13 RE: Fig spread	Meldrum 12	FM0027333

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EX. #	DATE	DESCRIPTION	DEP. EX. #	BATES
52	7/6/2014	2014 Mintel Market Report	N/A	N/A
53	N/A	Various text messages	Magee 1	DIG 00019933-20156
54	10/27/2014	Text messages	Magee 43	LFF0014172
55	12/24/2014	Share Certificate – Dalmatia Import Group, Inc.	Magee 13	DIG 00019815-817
56	1/4/2015	Email from Magee to Hunt dated 1/4/15 RE: Hi Matt	Sanlley 22	DIG 00009024
57	1/8/2015	Email chain between Heraux and Meldrum dated 1/8/15 RE: PO 29257	Sanlley 12	FM0016440-441
58	1/28/2015	Email from Sanlley to Straub RE: Product Manufacture and Supply Agreement	N/A	N/A
59	1/30/2015	Letter from Dunn to Meldrum dated 1/30/15 RE: Foodmatch, Inc. and Dalmatia Import Group Distribution Agreement dated 12/22/6	Neb 21	DIG 00008381
60	N/A	Exhibit not used	N/A	N/A
61	3/16/2015	Email from Chupin to Sanlley dated 3/16/15 RE: Dalmatia Fig spread-important	Neb 22	DIG 00013059
62	3/16/15	Email chain between Hunt and Chupin dated 3/16/15 RE: Pectin – important	Neb 23	DIG 00008486-488
63	4/8/2015	Email chain between Chupin and Sanlley dated 4/8/15 RE: Answers to get back to me	Neb 24	DIG 00008619-620
64	4/16/2015	Email from Magee to Sanlley dated 4/16/15 RE: this morning: call Phil and others at FM	Sanlley 21	DIG 00008643-644
65	4/17/2015	Email from Magee to Gellert dated 4/17/15 RE: NDA	Gellert 1	DIG 00008647-651
66	4/21/2015	Email chain between Sam Meldrum and Phil Meldrum dated 4/21/15 RE: Distributors in TX	Meldrum 23	FM0015352-534
67	4/22/2015	Email chain between Sanlley and Magee dated 4/22/15 RE: I approved LFF production	Neb 26	DIG 00008663
68	4/24/2015	Email chain between Gellert and Magee dated 4/24/15 RE: Production info question	Gellert 2	DIG 00008667
69	4/25/2015	Email from Magee to Sanlley dated 4/25/15 RE: Confidentiality agreement for both of us	Neb 27	DIG 00008669-673

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EX. #	DATE	DESCRIPTION	DEP. EX. #	BATES
70	5/6/2015	Email from Magee to Sanlley dated 5/6/15 RE: LFF communication protocol letter	Neb 28	DIG 0000871-711
71	5/16/2015	Email chain between Gellert and Magee dated 5/16/15 RE: Contract	Gellert 3	DIG 00008873
72	5/20/2015	Emails from Gellert to Magee dated 5/20/15 RE: tmw	Gellert 4	DIG 00008957 DIG 00009025
73	5/21/2015	Formula Sheet – Marmalade, Fig Orange – Rev. 5 – 5/21/15	Hunt 32	LFF0029826-827
74	6/5/2015	Email chain between Hunt and Sanlley dated 6/5/15 FW: product parameters	Hunt 19	DIG 00012022-026
75	6/5/2015	Formula Sheet – Preserves Fig – Rev. 3 – 6/5/15	Hunt 29	LFF0029820-821
76	6/9/2015	Email chain between Mike Thompson and Oliver dated 6/9/15 RE: Liquid on top of this batch sample	Thompson, Mike 7	LFF0014225
77	6/16/2015	Email from Meldrum to O'Conner dated 6/16/15 FW: Promotions 2014 & 2015	Meldrum 20	FM0029467
78	6/18/2015	Email from Guiao to Magee dated 6/18/15 RE: Signed Distribution Agreement	Gellert 5	DIG 00009273-285
79	6/22/2015	Email from Magee to Gellert dated 6/22/15 RE: Important step	Gellert 6	DIG 00009299
80	7/6/2015	Formula Sheet – Fig Tamarind Spread – Test 2 – 7/6/15	Hunt 31	LFF0029824-825
81	7/20/2015	Email chain between Magee and Sperry dated 7/20/15 RE: Manufacturing	N/A	DIG 00013335-337
82	7/20/2015	Email chain between Straub and Sanlley dated 7/20/15 RE: How many tags do you have in stock?	Magee 45	DIG 00009457
83	7/31/2015	Email from Chupin to Hunt dated 7/31/15 RE: Out of stocks	Magee 24	LFF0014937
84	N/A	Purchase Orders #32262, 32263, 32264, 32304, 32305, 32306, 32307, 32308	N/A	N/A
85	8/4/2015	Email chain between Chupin and Meldrum dated 8/4/15 RE: Fig spread delayed	Neb 30	DIG 00009635-636
86	8/7/2015	Email chain between Straub and Sanlley dated 8/7/15 RE: Down payment on 2nd truckload	Sanlley 9	DIG 00009727-28

## Defendant Lancaster Fine Foods' Trial Exhibit List

EX. #	DATE	DESCRIPTION	DEP. EX. #	BATES
87	8/13/2015	Email chain between Koslowski and Straub dated 8/13/15 RE: Out of hang tags!	Magee 46	DIG 00009766-767
88	8/14/2015	Email chain between Magee and RC Stevens dated 8/14/15 RE: claim	Magee 25	DIG 00013509-510
89	8/17/2015	Email chain between Straub and Koslowski dated 8/17/15 RE: Dalmatia	Koslowski 2	LFF0022216
90	8/25/2015	Email chain between Sanlley and Heraux dated 8/25/15 RE: Beanies – out of stock	Sanlley 25	DIG 00013509-510
91	9/1/2015	Email from Sanlley to Hunt dated 9/1/15 RE: New POs	Magee 28	LFF0014853
92	9/4/2015	Email chain between Chupin and Meldrum dated 9/4/15	Neb 32	DIG 00009961
93	9/8/2015	Email from Straub to Sanlley dated 9/8/15 RE: Glass, Hangtags & Labels	Kosalowski 3	DIG 00010001-002 (w attached charts)
94	9/16/2015	Email from Magee to Sanlley dated 9/16/15 RE: Quality checks/concerns	Sanlley 7	DIG 00010152
95	9/10/2015	Email chain between Magee and Bucher dated 9/10/15 RE: Sept. 9 update	Sanlley 26	DIG 00010059-060
96	9/11/2015	Email from Hunt to Mike Thompson dated 9/11/15 RE: Hang tags	Koslowski 4	LFF0014797-799
97	9/15/2015	Email from Meldrum to Chupin dated 9/15/15 FW: Sales Report Year to Day (end of August)	O'Conner 1	FM00004955-56 (with charts attached)
98	9/18/2015	Lancaster/Beanie's Confidential Formula Sheet – Dalmatia Fig Spread	Hunt 12	N/A
99	9/21/2015	Email chain from Hunt to Magee dated 9/21/15 RE: Nutritional information	Magee 29	DIG 00013658-659
100	9/21/2015	Email chain between Straub and Magee dated 9/21/15 RE: payment procedure I need implemented	LFF 10	LFF0014752-754
101	9/24/2015	Email from Heraux to Sanlley dated 9/24/15 RE: 25199	Sanlley 27	DIG 00013688-689

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EX. #	DATE	DESCRIPTION	DEP. EX. #	BATES
102	9/27/2015	Email chain between Chupin and Meldrum dated 9/27/15 RE: Review and approval of possible letter to customers	Neb 33	DIG 00010272-273
103	9/28/2015	Email chain between Magee and Malone dated 9/28/15 RE: fig spread current event	Gellert 7	DIG 00010275-276
104	N/A	Foodmatch letter RE: 3 year trend	Neb 31	DIG 00013588-592
105	10/1/2015	Email chain between Hunt and Koslowski dated 10/1/15 RE: Tags	Koslowski 6	LFF0030147-149
106	10/2/2015	Email from Richards to Purchasing dated 10/2/15 FW: Fig spread PO 120944-946	O'Conner 6	FM0012043 (w Acme Food Sales, Inc. PO attached)
107	10/2/2015	Email from Straub to Oliver dated 10/2/15 FW: Recent samples Dalmatia	LFF 24	LFF0014701-702
108	10/5/2015	Email from Mike Thompson to Hunt dated 10/5/15 RE: Dalmatia direction	LFF 13	LFF0030141
109	10/5/2015	Email from Meldrum to Woodward dated 10/5/15 RE: Dalmatia Imports – Welcome to Atalanta!	O' Conner 2	FM0025426-427
110	10/5/2015	Email from Buechler to Samples dated 10/5/15 RE: samples to Bretas today	Buechler 5	FM0022919
111	10/5/2015	Email chain between O'Conner and Richards dated 10/5/15 RE: Dalmatia	O'Conner 5	FM0027155
112	10/5/2015	Email chain between Gellert and Jones dated 10/5/15 RE: Dalmatia Imports-Welcome to Atlanta!	Gellert 9	DIG 00010366-367
113	10/5/2015	Email from Strange to Chupin dated 10/5/15 RE: Information from Atalanta	Neb 34	DIG 00010368
114	10/5/2015	Letter from Magee to “valued customer” dated 10/5/15	Magee 48	DIG 00013724
115	10/5/2015	Letter from Dunn to Foodmatch dated 10/5/15 RE: Foodmatch with Dalmatia Import Group, Inc. Distribution Agreement	Magee 49	N/A

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EX. #	DATE	DESCRIPTION	DEP. EX. #	BATES
116	10/5/2015	Letter from Hunt to Magee Dated 10/5/05	N/A	DIG 00013797
117	10/5/2015	"More reasons for leaving" dated 10/5/15	Neb 36	DIG 00019821-823
118	10/7/2015	Email chain between Heraux and Meldrum dated 10/7/15 RE: Dalmatia – Allocation?	Fuerst 16	FM0012055-056
119	10/7/2015	Email chain between Vincent and Rucker dated 10/7/15 RE: caramel/artificial coloring	Buechler 8	FM0020598-600
120	10/8/2015	Email chain between Magee and Malone dated 10/8/15 RE: your questions/WF info	Gellert 11	ATL 00095-099
121	10/8/2015	Email from Magee to Gellert dated 10/8/15 RE: FW: New organic Pos for 2016	Gellert 12	DIG 00013853-854
122	12/28/2006	Email from Chupin to Richards dated 12/28/06 FW: Letter to WF	Neb 8	N/A
123	10/13/2015 10/14/2015 10/15/2015	Emails from Malone to Magee dated 10/13, 14 & 15/15 FW: Costco: February-May pricing (compound exhibit)	Gellert 13	DIG 00013907 DIG 0001930 DIG 00010510
124	10/14/2015	Email from Gellert to Magee dated 10/14/15 RE: Dalmatia – Foodmatch letter	Gellert 14	DIG 00010533-535
125	10/15/2015	Email chain between Straub and Sanlley dated 10/15/15 RE: Things for today	Sanlley 14	DIG 00010544-545
126	10/16/2015	Email from Gross to Heraux dated 10/16/15 RE: Timeline	Meldrum 4	FM0023160-161
127	10/19/2015	Email from Sanlley to Magee dated 10/19/15 FW: (FW: From Anuga and Pos za WF)	Neb 39	DIG 00010561-563
128	10/19/2015	Email chain between Magee and Sanlley dated 10/19/15 RE: Acme orders for WF organic	Sanlley 16	DIG 00010575-576
129	10/20/2015	Formula Sheet – Virginia Chutney Fig Spread – Test 3 – 10/20/15	Hunt 30	LFF0029822-823
130	10/20/2015	Email from Magee to Gellert dated 10/20/15 RE: spoke with Cathy yesterday	Gellert 17	DIG 00010672
131	10/20/2015	Email from Mike Thompson to Sanlley dated 10/20/15 RE: Relationship	Thompson, Mike 12	LFF0014173-174

## Defendant Lancaster Fine Foods' Trial Exhibit List

EX. #	DATE	DESCRIPTION	DEP. EX. #	BATES
132	10/20/2015	Email from Mike Thompson to Sanlley dated 10/20/15 RE: Relationship	Sanlley 18	DIG 00010592-594
133	10/20/2015	Email from Gellert to Magee dated 10/20/15 FW: Costco – Dalmatia Private label	Gellert 16	DIG 00010654-656
134	10/21/2015	Email from Magee to Sanlley dated 10/21/15 RE: Call me early am re Lancaster	Sanlley 19	DIG 00010752
135	10/21/2015	Email chain between Magee and RC Stevens dated 10/21/15 RE: Help with Lancaster Thursday	Dalmatia 17	DIG 00010741-744
136	10/22/2015	Email chain between Straub and Koslowski dated 10/22/15 RE: Dalmatia	Koslowski 7	LFF0031186
137	10/22/2015	Email chain between Magee and Gellert dated 10/22/15 RE: Hermes switch	Gellert 20	DIG 00010877
138	10/22/2015	Email chain between Malone and Magee dated 10/22/15 RE: POS Sheet and recipe development	Neb 46	DIG 00010775
139	10/22/2015	Email from Gellert to Magee dated 10/22/15 RE: Hermes switch	Gellert 19	DIG 00010876
140	10/23/2015	Email from Heraux to Meldrum dated 10/23/15 RE: Fig update/questions for Lancaster	Heraux 9	FM0027873-874
141	10/23/2015	Email chain between Magee and Malone dated 10/23/15 RE: cont'd from yesterday	Gellert 23	DIG 00010962-963
142	10/23/2015	Email chain between Alex Thompson and Straub dated 10/23/15 RE: Dalmatia	LFF 47	LFF0027287-288
143	10/23/2015	Email chain between Straub and Alex Thompson dated 10/23/15 RE: Dalmatia (Maia's mental state)	LFF 53	LFF0027289-291
144	10/23/2015	Email from Heraux to O'Conner dated 10/23/15 RE: Agenda	Meldrum 6	FM0016824-825
145	10/23/2015	Email from Mike Thompson to Straub dated 10/23/15 RE: Dalmatia payment for seconds	N/A	N/A
146	10/23/2015	Email from Magee to Malone dated 10/23/15 RE: Recap from last night's talk	Gellert 22	DIG 00010982

## Defendant Lancaster Fine Foods' Trial Exhibit List

EX. #	DATE	DESCRIPTION	DEP. EX. #	BATES
147	10/23/2015	Email chain between Magee and Malone 10/23/15 RE: checking in	Gellert 24	DIG 00014108
148	10/23/2015	Email chain between Magee and Malone dated 10/23/15 RE: Acme/Cathy	Gellert 25	DIG 00010973-976
149	10/24/2015	Email from Magee to Gellert dated 10/24/15 RE: Neb	Neb 40	DIG 00014139
150	10/25/2015	Email chain between Magee and Gellert dated 10/25/15 RE: Neb cont'd	Neb 41	DIG 00014164-167
151	10/26/2015	Lancaster Fine Foods Invoice 0007755-IN	Oliver 19	LFF0014583-584
152	10/26/2015	Email from Sanlley to Magee dated 10/26/15 RE: LFF contract/visit attaching Summary of meeting with Jazmine Sanlley Monday, October 26, 2015	Neb 42	DIG 00014222-469
153	10/26/2015	Email from Andreou to Heraux dated 10/26/15 RE: Fig spread project	Heraux 3	FM0016828-30 (chart attached)
154	10/26/2015	Summary Meeting with Jazmine Sanlley Monday, October 26, 2015 and	LFF 38	LFF0014167-172
155	10/27/2015	Email from Mike Thompson to Alex Thompson dated 10/27/15 FW: Discussion notes	Thompson, Mike 9	LFF0030151-153
156	10/27/2015	Email chain between Magee and Malone dated 10/27/15 RE: letter draft (Compound exhibit)	Gellert 26	DIG 00014257 DIG 00014421
157	10/29/2015	Email from Buechler to O'Conner dated 10/29/15 RE: tasting	Greenberg 4	FM0025519-520
158	10/29/2015	Email from Magee to Gellert dated 10/29/15 RE: Cathy highlights	Gellert 27	DIG 00014411
159	10/29/2015	Letter from Magee to Foodmatch dated 10/29/15	Neb 43	DIG 00014421
160	10/30/2015	Email chain between Straub and Sanlley dated 10/30/15 RE: Glass?	LFF 48	LFF0022499-501
161	10/30/2015	Email from Straub to Sanlley dated 10/30/15 RE: shipping Monday?	Sanlley 15	LFF0014579-84

## Defendant Lancaster Fine Foods' Trial Exhibit List

EX. #	DATE	DESCRIPTION	DEP. EX. #	BATES
162	10/30/2015	Email from Sanlley to Straub dated 10/30/15 FW: batch samples	Magee 52	LFF0014567
163	10/30/2015	Email chain between Hunt and Meldrum dated 10/30/15 RE: somewhat of a timeline	Hunt 24	LFF0027220-223
164	10/30/2015	Email from Alex Thompson to Straub dated 10/30/15 RE: Dalmatia wire	Thompson, Alex 4	LFF0027283
165	11/2/2015	Formula Sheet – Divina Fig Spread – Test1 – 11/2/15	Hunt 27	LFFSUBP000129-134
166	11/2/2015	Email chain between Heraux and Alex Thompson dated 11/2/15 RE: Somewhat of a timeline	Thompson, Alex 8	LFF0026050-053
167	11/3/2015	Letter from Magee to Mike Thompson dated 11/3/15 RE: wire payment	Magee 53	LFF0030029
168	11/3/2015	Email from Straub to Sanlley dated 11/3/15 RE: Counts – Inventory – Nov. 3, 2015	Koslowski 8	LFF0022512-513
169	11/3/2015	Email from Vincent to alan@nelabsct.com dated 11/3/15 FW: Updated with all sulfites	Buechler 31	FM0029626-628
170	11/4/2015	Email from Straub to Sanlley dated 11/4/15 RE: Upcoming shipments and payments	LFF 32	DIG 00014520
171	11/4/2015	Email chain between Mike Thompson and Sanlley dated 11/4/15 RE: Relationship	LFF 52	LFF0014178-181
172	11/4/2015	Email chain between Straub and Zak Thompson dated 11/4/15 RE: Dalmatia	LFF 50	LFF0014545-546
173	11/4/2015	Email chain between Straub and Mike Thompson dated 11/4/15 RE: TIC gums: Pectin Update	LFF 51	LFF0014554-557
174	11/5/2015	Email from Straub to Magee dated 11/5/15 RE: Please call Matt this morning	Magee 55	LFF0014553
175	11/5/2015	Email chain between Straub and Koslowsky dated 11/5/15 RE: Dalmatia	Magee 56	LFF0014169-171
176	11/5/2015	Email chain between Hunt and Straub dated 11/5/15 RE: Dalmatia	Koslowski 11	LFF0014551-552

## Defendant Lancaster Fine Foods' Trial Exhibit List

EX. #	DATE	DESCRIPTION	DEP. EX. #	BATES
177	11/5/2015	Email chain between Koslowski and Straub 11/5/15	Koslowski 12	LFF0031195-196
178	11/5/2015	Email chain between Koslowski and Straub dated 11/5/15 RE: Dalmatia	Koslowski 13	LFF0031199
179	11/5/2015	Email chain between Meldrum and Beuchler dated 11/5/15 RE: Ingredient statement	Buechler 15	DEF 48
180	11/5/2015	Email from Straub to Mike Thompson dated 11/5/15 re Dalmatia documentation	LFF 37	LFF0014166
181	11/5/2015	Email chain between Sanlley and Magee dated 11/5/15 FW: Sub-standard product	Neb 45	DIG 00014635-637
182	11/5/2015	Email chain between Magee and Sanlley dated 11/5/15 RE: for Neb	Magee 58	DIG 00014595-598
183	11/6/2015	Letter from Mike Thompson to Magee dated 11/6/15 re: full payment for Pos 32261 and 32262	N/A	N/A
184	11/6/2015	Email chain between Buechler and Konstantinos dated 11/6/15 RE: recipe	Buechler 16	DEF 133-134
185	11/6/2015	Email from Alex Thompson to Hunt dated 11/6/15 FW: Letter	Thompson, Alex 6	LFF0027194-195
186	11/6/2015	Email from Chupin to Sanlley dated 11/6/15 RE: Sub-standard product	Neb 51	DIG 00014746-47
187	11/6/2015	Email chain between Heraux and Sanlley dated 11/6/15 RE: Trucks at Beanies	Heraux 18	FM00006844-846
188	11/6/2015	Email from Buechler to Heraux dated 11/6/15 RE: Trucks at Beanies	Buechler 30	FM0022949-953
189	11/6/2015	Email chain between Greene and Meldrum RE: Remaining Beanies Pos	Heraux 27	FM0028364-367
190	11/6/2015	Email chain between Chupin and Sanlley dated 11/6/15 fwd: Older hangtag	Neb 52	DIG 00011052-055
191	11/6/2015	Email chain between Buechler and Gross dated 11/6/15 re Tasting	Greenberg 5	FM0017248

## Defendant Lancaster Fine Foods' Trial Exhibit List

EX. #	DATE	DESCRIPTION	DEP. EX. #	BATES
192	11/6/2015	Email from Ku?ter to Sanlley dated 11/6/15 RE: AFA mock up with seal	Neb 47	DIG 00014753
193	11/6/2015	Email chain between Sanlley and Magee dated 11/6/15 fwd: Older hangtag	Neb 49	DIG 00014737-38
194	11/9/2015	Letter from Magee to Foodmatch dated 11/9/15 RE: quality control issues	Neb 60	N/A
195	11/9/2016	Letter from Meldrum to Chupin and Magee dated 11/9/15 RE: Foodmatch with Dalmatia Import Group, Inc. Distribution Agreement	Heraux 21	DIG 00019824-825
196	11/9/2015	Email from Mike Thompson to Meldrum dated 11/9/15 RE: LFF Memo of understanding	Meldrum 7	FM0016968-970
197	11/9/2015	Email from Mike Thompson to Alex Thompson dated 11/9/15 FW: Dalmatia	Thompson, Alex 10	LFF0030021
198	11/9/2015	Email from Meldrum to Fuerst dated 11/9/15 FW: LFF Memo of Understanding	Heraux 12	FM0025570-572
199	11/9/2015	Email chain between Mike Thompson and Goldsmith dated 11/9/15 RE: comments on the attached would be appreciated	Goldsmith 4	LFF0030017
200	11/9/2015	Email chain between Greenberg and Leon dated 11/9/15 RE: Spread production	Greenberg 18	FM0025333-334
201	11/10/2015	Email from Mike Thompson to Magee dated 11/10/15 RE: Notice	Goldsmith 5	LFF0014155-157
202	11/10/2015	Email from Heraux to Star dated 11/10/15 FW: Please forward to FM	Heraux 20	FM0012260- 261
203	1/11/2015	Letter from Dunn to Mike Thompson dated 11/11/15 RE: Response to Thompson's letters	Stevens 2	RCStevens_0000420-421
204	11/11/2015	Email from Greenberg to Buechler dated 11/11/15 RE: Samples of the new spread recipe	Buechler 17	FM0025307
205	11/11/2015	Email chain between Meldum and Voves date 11/11/15 RE: Veterans Day	Meldrum 9	FM0017068

## Defendant Lancaster Fine Foods' Trial Exhibit List

EX. #	DATE	DESCRIPTION	DEP. EX. #	BATES
206	11/11/2015	Email from Buechler to Star dated 11/11/15 RE: Another tasting	Heraux 6	FM0022611-613
207	11/11/2015	Email chain between Star and Buechler dated 11/11/15 RE: another tasting! :)	Greenberg 6	FM0020023-025
208	11/11/2015	Email chain between Gross and Koslowski dated 11/11/15 RE: Initial art files	Koslowski 14	LFF0029301-302
209	11/11/2015	Email from Mike Thompson to Straub dated 11/11/15 RE: Urgent	Thompson, Mike 19	LFF0030011
210	11/11/2015	Email chain between Dunn and Magee dated 11/11/15 FW: Dalmatia/Lancaster/Foodmatch	Magee 62	DIG 00015024-026
211	11/12/2015	C.O. Nolt Invoice	LFF 58	LFF0029803-805
212	11/12/2015	C.O. Nolt Invoice	LFF 59	LFF0029806-808
213	11/12/2015	Email from Greene to O'Conner dated 11/12/15 RE: Retail fig spread, Stock summary	O'Conner 8	FM0014549-551
214	11/12/2015	Email from Mark Thompson to Quigley dated 11/12/15 FW: PO's for 11/12 pick-up	Thompson, Mark 1	LFF0031927-929
215	11/12/2015	Email from Greenberg to Alex Thompson dated 11/12/15 RE: Urgent	Greenberg 7	FM0025282-288
216	11/12/2015	Email from Mark Thompson to Quigley dated 11/12/15 FW: PO's for 11/12 pick up	Heraux 25	LFF0031944-946
217	11/12/2015	Email from Mark Thompson to Quigley dated 11/12/15 FW: PO's for 11/12 pick up	Thompson, Mark 2	LFF0031947-949
218	11/13/2015	Lancaster Fine Foods Invoices	Scherf 6	LFF0025909; LFF0025911; LFF0025920; LFF0025905; LFF0025913; LFF0025915; LFF0025918; LFF0025907
219	11/13/2015	C.O. Nolt Invoice	LFF 60	LFF0029809-811
220	11/13/2015	Bill of Lading PO #4R	Oliver 20	LFF0032533
221	11/13/2015	Email from Malone to Magee dated 11/13/15 FW: HEB Production Presentation – recap	Gellert 28	DIG 00015117 – 119
222	11/14/2015	Email chain between Magee and Chupin dated 11/14/15 RE: New info	Neb 50	DIG 00015149-50

## Defendant Lancaster Fine Foods' Trial Exhibit List

EX. #	DATE	DESCRIPTION	DEP. EX. #	BATES
223	11/16/2015	Email from Marianos to Buechler dated 11/16/15 RE: Sample received by Bretas	Greenberg 17	FM0021064
224	11/16/2015	Email from Greenberg to Jayawardana attaching OCT Expense Reports	Greenberg 9	FM0025244-264
225	11/16/2015	Email from Mike Thompson to Neireter dated 11/16/15 RE: EPO update outline	Thompson, Mike 17	LFF0032866-877
226	11/17/2015	Lancaster invoice for 5R	LFF 65	LFF0030911-916
227	11/17/2015	Email from Buechler to Beuchler dated 11/17/15 FW: US fig production	Greenberg 2	FM0022683-684
228	11/17/2015	Email chain between Greenberg and Buechler dated 11/17/15 RE: Tasting Tallies	Heraux 7	FM0025167-168
229	11/18/2015	Email from O'Conner to Meldrum dated 11/18/15 RE: Fig spread/Whole Foods	Meldrum 1	FM0016694-695
230	11/18/2015	Email chain between Greenberg and Buechler dated 11/18/15 RE: Tasting tallies	Greenberg 8	FM0025163-166
231	11/18/2015	Email chain between Star and Mark Thompson dated 11/18/15 RE: BOL for PO 32306	Thompson, Mark 4	LFF0031915-918
232	11/19/2015	Letter from Magee to Foodmatch dated 11/19/15	Dalmatia 12	DIG 00015468-469
233	11/21/2015	Email from Malone to Magee dated 11/21/15 FW: Dalmatia-Foodmatch	Gellert 29	DIG 00015631
234	11/23/2015	Email from Magee to Chupin dated 11/23/15 RE: Mini legal	Neb 61	DIG 00015722
235	11/23/2015	Email from Magee to Chupin dated 11/23/15 RE: Mini legal	Neb 63	DIG 00015840-42
236	11/25/2015	Email from Sanlley to Meldrum dated 11/25/15 FW: Please send to FM now	Heraux 22	FM00004498-500
237	11/30/2015	Email from Marianos to Heraux dated 11/30/15 RE: Divina fig spread & sour cherry – price offer	Heraux 15	FM0023184-185
238	11/30/2015	Email from Greenberg to Buechler dated 11/30/15 RE: Sour cherry and fig tasting	Heraux 8	FM0025047-048

## Defendant Lancaster Fine Foods' Trial Exhibit List

EX. #	DATE	DESCRIPTION	DEP. EX. #	BATES
239	11/30/2015	Email from O'Conner to Gross dated 11/30/15 RE: Divina fig spread talking points	O'Conner 18	FM0027195-196
240	12/1/2015	Email from Malone to Magee dated 12/1/15 FW: Atalanta November Pricing	Gellert 30	DIG 00016087-090
241	12/1/2015	Email chain between Magee and Chupin dated 12/1/15 RE: organic containers	Gellert 31	DIG 00016177
242	12/3/2015	Email chain between Magee and Stevens RE: Fact check	RS 6	RCStevens_0000194-195
243	12/5/2015	Email from Michael Thompson to Meldrum dated 12/5/15 RE: Magee	Thompson, Mike 25	LFF0026191
244	12/5/2015	Email from Goldsmith to Magee dated 12/5/15 RE: attachments	Goldsmith 2	LFF0032157
245	12/7/2015	Email chain between Heraux and Marianos dated 12/7/15 RE: Fig spread discussion today	Heraux 16	FM0021243-244
246	12/8/2015	Email chain between Magee and Stevens dated 12/8/15 RE: This week	RS 7	RCStevens_0000189-190
247	12/8/2015	Email chain between Stevens and Magee dated 12/8/15 RE: this week	Magee 66	DIG 00016422-23
248	12/9/2015	Email from Magee to Malone dated 12/9/15 RE: WF strategy	Neb 53	DIG 00011181
249	12/10/2015	Email from Magee to Stevens dated 12/10/15 RE: Nov. 11th letter to stop producing	Magee 67	DIG 00015038
250	2/10/2015	Email chain between Magee and Malone dated 12/10/15 RE: WF – important	Gellert 33	DIG 00016658-659
251	12/11/2015	Email from Gellert to Malone dated 12/11/15 RE: Percentage split – Organic containers to WF	Gellert 37	ATL 00952-953
252	12/14/2015	Email from Stevens to Magee dated 12/14/15 RE: Summary Lancaster Fine Foods	RS 8	RCStevens_0000187
253	12/14/2015	Email from Malone to Magee dated 12/14/15 FW: Dalmatia promo	Gellert 54	DIG 00016862-863
254	12/16/2015	Email from Greene to O'Conner dated 12/16/15 RE: Original fig spread inventory	O'Conner 9	FM0014900-929

## Defendant Lancaster Fine Foods' Trial Exhibit List

EX. #	DATE	DESCRIPTION	DEP. EX. #	BATES
255	12/16/2015	Email from Malone to Magee dated 12/16/15 RE: Kroger... Safeway...	Gellert 35	DIG 00016963-966
256	12/18/2015	Email from Alex Thompson to Buechler dated 12/18/15 RE: Monday Foodmatch production	Buechler 27	LFF0026755
257	12/21/2015	Email chain between Magee and Stevens dated 12/21/15 RE: Surveillance	RS 9	RCStevens_0000185
258	12/21/2015	Email from Malone to Magee dated 12/21/15 FW: Fig spread – Market Fair	Gellert 36	DIG 00017240-243
259	12/22/2015	Email from Sam Meldrum to O’Conner dated 12/22/15 RE: Dalmatia Inventory	Meldrum 24	FM0015470-473
260	12/23/2015	Email chain between Alex Thompson and Straub dated 12/23/15 RE: FM\$	LFF 55	LFF0027720; LFF0029800
261	12/23/2015	Email chain between Alex Thompson and Quigley dated 12/23/15 RE: FM \$	Thompson, Alex 16	LFF0031444-445
262	N/A	Dalmatia P&L	Fuerst 23	DEF 26044-102
263	N/A	Chart	Fuerst 15	DEF 26020-023
264	N/A	Chart	Fuerst 12	DEF 26024-027
265	N/A	Chart of sales	Fuerst 8	N/A
266	N/A	Chart of gross sales figures 2010 – 2015	Fuerst 4	N/A
267	N/A	Hold chart	Oliver 17	LFF0032457
268	N/A	Magee’s Handwritten notes	Dalmatia 7	DIG 00019092-113
269	N/A	2015 Quadax Calendar	Buechler 26	N/A
270	N/A	Fig Spread photos	Meldrum 21	N/A
271	N/A	Photo of Dalmatia Fig Spread boxes	RS 4	RCStevens_0000487
272	N/A	Photo of Dalmatia Fig Spread Jars	RS 5	RCStevens_0000486
273	1/5/2016	Email chain between Sanlley and Stevens dated 1/5/16 FW: RC	RS 10	RCStevens_0000179
274	1/8/2016	Email chain between Chupin and Magee RE: Foodmatch launched Davina fig and fig/orange in jars, product of Greece	Neb 54	DIG 00017724
275	1/8/2016	Email from Mark Thompson to Mike Thompson dated 1/8/16 RE: Dalmatia Financial Impact	Thompson, Mark 6	LFF0029407

## Defendant Lancaster Fine Foods' Trial Exhibit List

EX. #	DATE	DESCRIPTION	DEP. EX. #	BATES
276	1/13/2016	Email from Heraux to Meldrum dated 1/13/16 FW: Inventory buyback	Fuerst 31	FM0023669-673
277	1/15/2016	Notice of Removal and exhibits	N/A	N/A
278	1/21/2016	Email chain between Magee and Malone dated 1/21/16 RE: sprouts – Dalmatia private label	Gellert 38	ATL 00713-714
279	1/21/2016	Email from Malone to Magee dated 1/21/16 FW: SF-FFS recap	Gellert 39	DIG 00017981-986
280	1/23/2016	Email from Magee to Stevens dated 1/23/16 RE: Intel	Magee 73	DIG 00017994
281	1/25/2016	Email from Magee to Stevens dated 1/25/16 RE: Stake outs	RS 12	RCStevens_0000048
282	1/26/2016	Acknowledgment of Confidentiality, Non-Use and Non-Disclosure Conditions (Dick Johnson) dated 1/26/16	N/A	DJ00000003-005
283	1/26/2016	Text messages	Johnson 7	DJ00000008-020
284	1/26/2016	Handwritten notes	RS 13	DJ00000002
285	1/27/2016	Email chain between Oliver and Traub dated 1/27/16 RE: Fig spread customer questions	Oliver 22	LFF0026238-241 (w/attached charts)
286	1/27/2016	Email chain between Magee and Gellert dated 1/27/16 RE: Foodmatch substitute for Dalmatia	Magee 72	DIG 00018029
287	1/29/2016	Email chain between Buechler and Oliver dated 1/29/16 FW: Fig fig orange	Hunt 28	FM0021992-993
288	N/A	Chart – Remaining quantity as of 10/31/15	Fuerst 32	DEF 26028-036
289	N/A	Job Description for Production Line Worker	Johnson 6	DJ00000021
290	2/1/2016	Johnson Investigations - Investigative Agreement	Johnson 8	DJ00000006
291	2/2/2016	Email from Meldrum to Wils dated 2/2/16 RE: Received Divina fig spread	Meldrum 10	FM0017100
292	2/8/2016	Email chain between Magee and Malone dated 2/8/16 RE: Foodservice Pack and price	Gellert 47	ATL 00681-682
293	2/9/2016	Email from Magee to Stevens RE: East Coast Warehouse	RS 16	RCStevens_0000043

## Defendant Lancaster Fine Foods' Trial Exhibit List

EX. #	DATE	DESCRIPTION	DEP. EX. #	BATES
294	2/9/2016	Email from Gross to Meldrum dated 2/9/16 RE: Competitive fig review: Ingredients and packaging	Meldrum 19	FM0028440-446
295	2/9/2016	Email from Malone to Magee dated 2/9/16 RE: Court order against Foodmatch	Gellert 41	DIG 00018181-187
296	2/9/2016	Email from Hedges to Magee dated 2/9/16 RE: Court order against Foodmatch	Magee 74	DIG 00018183-187
297	2/9/2016	Email from Malone to Atalanta Team dated 2/9/16 RE: Dalmatia Court order against Foodmatch (Compound exhibit)	Gellert 42	DIG 00018192-194 DIG 00018238-240 DIG 00018294 DIG 00018315-316
298	2/10/2016	Email from Greenberg to Buechler dated 2/10/16 RE: Fig Product Development Recap	Greenberg 11	FM0024802-803
299	2/10/2016	Email from Malone to Atalanta Team dated 2/10/16 RE: Dalmatia Court order against Foodmatch (Compound exhibit)	Dalmatia 14	DIG 00018192-194 DIG 00018238-240 DIG 00018294 DIG 00018315-316
300	2/11/2016	Email chain between Magee and Stevens RE: Proof for hearing on 18th	RS 17	RCStevens_0000173-174
301	2/12/2016	Investigative summary	Johnson 9	DJ0000026
302	2/12/2016	Johnson Investigations - Invoice	Johnson 10	DJ0000032
303	2/12/2016	Email from Gross to Meldrum dated 2/12/16 RE: Updated Dalmatia Spend Estimate w/ attached chart	Fuerst 30	FM0016796-797
304	2/16/2016	Email chain between Moreau and Damour dated 2/16/16 RE: Dalmatia Promotions (Compound exhibit)	Gellert 46	DIG 00018384 DIG 00018389-392
305	2/16/2016	Email chain between Magee and Malone dated 2/16/16 RE: lost big y to Divina	Gellert 45	DIG 00018382-383

## Defendant Lancaster Fine Foods' Trial Exhibit List

EX. #	DATE	DESCRIPTION	DEP. EX. #	BATES
306	2/16/2016	Email chain between Meadows and Magee dated 2/16/16 RE: Dalmatia bulk talk – Going head to head with Divina product from Foodmatch (Compound exhibit)	Gellert 44	DIG 00018417-418 DIG 00018650-651 DIG 00018892-893 DIG 00018901-902
307	2/17/2016	Letter from Marks to Judge Daniels RE: Request for deferment on preliminary injunction and expedited discovery	N/A	N/A
308	2/17/2016	Investigative Summary and Affidavit of Robert C. Stevens dated 2/17/16	Koslowski 21	RCStevens 0000356-361
309	2/17/2016	Email chain between Magee and Stevens dated 2/17/16 RE: Proof for hearing on 18th	Koslowski 19	RCStevens 0000134-135
310	2/17/2016	Email chain between Stevens and Hagenson dated 2/17/16 RE: RC	Koslowski 20	RCStevens 0000131-132
311	2/17/2016	Email from Koslowski to Stevens dated 2/17/16 FW: Labels – Production week of 11/23	Koslowski 22	RCStevens 0000129130
312	2/17/2016	Affidavit of Maia Magee in Reply	N/A	N/A
313	N/A	Visitors' Register	RS 21	LFF0033101
314	2/19/2015	Johnson Investigations - Investigative Report	RS 22	DJ0000029
315	2/19/2016	Email from Johnson to Stevens RE: Lancaster Fine Foods	RS 23	RCStevens_0000126
316	2/23/2016	Production Process Details – Bretas	Buechler 19	DEF 177-178
317	2/23/2016	Email from Andreadakis to Vincent dated 2/23/16 RE: updated specs spreads Urgent-need ASAP	Buechler 29	DEF 168-170
318	2/23/2016	Email chain between Stevens and Wantz RE: RC Stevens	RS 24	RCStevens_0000100-101
319	2/24/2016	Confidential Proposal - Avomeen Analytical Services	RS 25	RCStevens_0000470-481
320	2/25/2016	Email chain between RC Stevens and Magee dated 2/25/16 RE: RC Proposal Avomeen	Dalmatia 9	RCStevens_0000149-150
321	3/8/2016	Investigative Summary and Declaration of Robert C. Stevens	RS 27	RCStevens_0000446-447

## Defendant Lancaster Fine Foods' Trial Exhibit List

EX. #	DATE	DESCRIPTION	DEP. EX. #	BATES
322	3/8/2016	Supplemental Declaration of Maia Magee in Support of Plaintiff's Motion for Preliminary Injunction	N/A	N/A
323	3/9/2016	Email chain between Hallerman and Stevens RE: Dalmatia - Draft Declaration for Your Review	RS 28	RCStevens_0000107-108
324	3/10/2016	Email chain between Magee and Stevens RE: Need more evidence	Dalmatia 26	RCStevens_0000098-099
325	3/23/2016	Declaration of Robert C. Stevens	RS 30	RCStevens_0000426-431
326	3/25/2016	Declaration of Maia Magee in Support of Plaintiff's Motion for (1) Preliminary Injunction Against Lancaster Fine Foods and Earth Pride Organics for Breach of Contract and (2) Expedited Discovery	N/A	N/A
327	3/25/2016	Declaration of Jazmine Sanlley w/ exhibits	RS 32	N/A
328	3/25/2016	Declaration of Robert C. Stevens w/ exhibits	RS 33	N/A
329	3/25/2016	Declaration of Maia Magee	N/A	N/A
330	4/8/2016	Email from Magee to Malone dated 4/8/16 RE: Figs from Mediterranean	Magee 75	ATL 01254
331	4/15/2016	Letter from Krueger to Handel and Nadel	N/A	N/A
332	4/15/2016	Declaration of Maia Magee in Support of Plaintiff's Motion for Transcript Redaction	N/A	N/A
333	4/17/2016	Letter from Nadel to Kruger	N/A	N/A
334	4/21/2016	Meldrum affidavit in opposition to motion for preliminary injunction against Lancaster and Foodmatch for trademark counterfeiting and infringement w/ exhibits	Meldrum 11	N/A (Exhibits only)
335	4/27/2016	Declaration of Maia Magee in Further Support of Plaintiff's Motion for Preliminary Injunction		
336	5/11/2016	Formula Sheet – Divina Fig Spread – Rev. 8 5/11/16	Hunt 26	N/A

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EX. #	DATE	DESCRIPTION	DEP. EX. #	BATES
337	6/6/2016	Email chain between Magee and RC Stevens dated 6/6/16 RE: fig spread analysis – side by side	Dalmatia 11	RCStevens 0000220
338	6/21/2016	Technavio Report	N/A	N/A
339	6/23/2016	Declaration of Neb Chupin in Support of Plaintiff's Motion for Preliminary Injunction	N/A	N/A
340	6/24/2016	Supplemental Declaration of Maia Magee in Support of Plaintiff's Motions for Preliminary Injunction	N/A	N/A
341	7/15/2016	Letter from Krueger to Nadel dated 7/15/16	Dalmatia 23	N/A
342	8/8/2016	Invoice – Ocean Tomo	Malackowski 6	DIG 00020901-918
343	8/28/2016	Declaration of Maia Magee in Support of Motion to Dismiss Counterclaims	N/A	N/A
344	8/30/2016	(Corrected) Declaration of Maia Magee in Opposition to Foodmatch's Motion to Dismiss	N/A	N/A
345	8/30/2016	Declaration of Maia Magee in Support of Motion to Dismiss Counterclaims	N/A	N/A
346	9/6/2016	Invoice – National Expert Witness LLC	Mitchell 1	DIG 00020885-889
347	9/8/2016	Dalmatia's Responses to Lancaster's First Set of Requests for Admission	N/A	N/A
348	9/13/2016	Dalmatia Import Group Inc.'s Responses to Defendant Foodmatch Inc.'s Revised First Interrogatories (Corrected)	N/A	N/A
349	N/A	Letter from Foodmatch –RE: 3 year trend report	Magee 3	DIG 00013588-592
350	10/13/2016	Dalmatia's Amended Responses to Lancaster's Requests for Admission 4 & 7	N/A	N/A
351	10/17/2016	Dalmatia's Responses to Lancaster's Second Set of Requests for Admission	N/A	N/A
352	10/22/2016	Dalmatia's Responses to Lancaster's Second Set of Requests for Admission (Amended)	N/A	N/A

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EX. #	DATE	DESCRIPTION	DEP. EX. #	BATES
353	10/24/2016	Email from Gross to Meldrum dated 10/24/16 FW: NY Fancy Food Show	N/A	FM0034009-010
354	10/24/2016	Email from Gross to Meldrum dated 10/24/16 FW: Sofi Award	N/A	FM0034004
355	10/28/2016	Appendix D – List of Documents	Mitchell 5	N/A
356	10/28/2016	Herbstreith & Fox – The Specialists for Pectin	Mitchell 7	N/A
357	11/11/2016	LFF web page	Johnson 3	DJ0000022-025
358	11/16/2016	Email chain between Buechler and Hunt dated 11/16/16 RE: Fig spread	N/A	FM0034039-040
359	11/17/2016	Email chain between Hunt and Buechler dated 11/17/16 RE: Herb Streith & Fox pectin	N/A	FM0034043
360	11/17/2016	Email chain between Fisher and Buechler dated 11/17/16 RE: Hello	N/A	FM0034041-042
361	N/A	Sensory Testing Methods	Wolf 2	N/A
362	N/A	Photos of fig jam on shelf in store	N/A	N/A
363	12/2/2016	Declaration of Maia Magee in Support of Her Motion for Summary Judgment for Lack of Personal Jurisdiction	N/A	N/A
364	12/2/2016	Declaration of Maia Magee Dalmatia's Motion for Partial Summary Judgment of Liability on its Lanham Act and Unfair Competition Claims Against Foodmatch and Lancaster	N/A	N/A
365	12/7/2016	Avomeen web page	RS 26	
366	12/8/2016	Email chain between Hunt and Buechler dated 12/8/16 RE: Revised recipe	N/A	FM0034055-058
367	12/8/2016	Email chain between Magee and Stevens RE: This week	Johnson 15	RCStevens_0000189-190
368	12/12/2016	Email from Star to Gross dated 12/12/16 RE: Bretas recipe samples	N/A	FM0034034-036
369	N/A	Ocean Tomo web page	Malackowski 2	N/A
370	12/13/2016	Lancaster Detective Agency web page	Johnson 20	N/A
371	12/13/2016	Jonathan Presnell web page	Johnson 21	N/A
372	12/13/2016	Email chain between Hunt and Buechler dated 12/13/16 RE: Bretas recipe samples	N/A	FM0034032-033

## Defendant Lancaster Fine Foods' Trial Exhibit List

EX. #	DATE	DESCRIPTION	DEP. EX. #	BATES
373	12/14/2016	Email from Buechler to Quality Control dated 12/14/16 FW: Fig spread	N/A	FM0034011-012
374	12/14/2016	Email from Stevens to Magee dated 12/14/16 RE: Summary Lancaster Fine Foods	Johnson 16	RCStevens_0000187
375	12/15/2016	Email chain between Sands and Alex Thompson dated 12/15/16 RE: Purchase order for old recipe orange fig (US)	N/A	FM0034050-054
376	12/15/2016	Email chain between Star and Alex Thompson dated 12/15/16 RE: Order change	N/A	FM0034047-049
377	12/16/2016	Email from Straub to Alex Thompson dated 12/16/16 RE: Orange fig sample	N/A	FM0034044-046
378	12/19/2016	Email from Buechler to Quality control dated 12/19/16 FW: One & two sugar recipes to be shipped	N/A	FM0034013-015
379	12/19/2016	Declaration of Maia Magee in Opposition to Foodmatch's Motion for Summary Judgment	N/A	N/A
380	12/21/2016	Email chain between Buechler and Alex Thompson dated 12/21/16 RE: Fig orange new recipe	N/A	FM0034037-038
381	12/22/2016	Third Amended Complaint	N/A	N/A
382	N/A	Rudolph Consulting Invoices	Rudolph 4	DIG 0020898-900
383	N/A	Application for employment - blank	N/A	LFF0033102-103
384	N/A	Competitive Fig Spread Analysis - 2016	Fuerst 28	DEF 26000-003
385	N/A	Divina Chart – cost/price/gross margin	Fuerst 20	DEF 26043
386	N/A	Surveillance Video	N/A	DJ0000040
387	N/A	Surveillance Video	N/A	DJ0000041
388	N/A	Surveillance Video	N/A	DJ0000042
389	N/A	Surveillance Video	N/A	DJ0000043
390	1/3/2017	Email from Straub to Buechler dated 1/3/16 RE: Updated pricing attached	N/A	FM0034064-065
391	1/3/2017	Fig spread recipe	N/A	FM0034061
392	1/3/2017	Fig spread recipe	N/A	FM0034062

## Defendant Lancaster Fine Foods' Trial Exhibit List

EX. #	DATE	DESCRIPTION	DEP. EX. #	BATES
393	1/3/2017	Email from Hunt to Buechler dated 1/3/17 FW: Sample follow up	N/A	FM0034019-031
394	1/3/2017	Lancaster Purchase order	N/A	FM0034018
395	1/4/2017	Email chain from Hunt to Buechler dated 1/4/17 RE: Updated specs, pricing needed!	N/A	FM0034059-060
396	1/4/2017	Email from Greene to Star dated 1/4/17 FW: Proforma attached	N/A	FM0034016-017
397	1/4/2017	Recipe % Ingredient Composition Chart	N/A	FM0034063
398	N/A	Jars of Bonne Maman Purple Fig Spread S 302 10:41 - 10/29/2017L3	N/A	N/A
399	2/18/2016	Email from Gellert to Malone and Magee dated 2/18/16 RE: Review-Letter to the trade	Gellert 43	ATL 00617
400	N/A	Dalmatia Facebook page 1	N/A	N/A
401	N/A	Dalmatia Facebook page 2	N/A	N/A
402	N/A	Dalmatia Facebook page 3	N/A	N/A
403	N/A	Dalmatia Facebook page 4	N/A	N/A
404	N/A	Dalmatia Facebook page 5	N/A	N/A
405	N/A	Dalmatia Facebook page 6	N/A	N/A
406	N/A	Dalmatia Facebook page 7	N/A	N/A
407	N/A	Dalmatia Facebook page 8	N/A	N/A
408	N/A	Dalmatia Fig@DalmatiaFig - Twitter	N/A	N/A
409	N/A	Dalmatia Go Fund Me page 1	N/A	N/A
410	N/A	Dalmatia Go Fund Me page 2	N/A	N/A
411	N/A	Dalmatia Go Fund Me page 3	N/A	N/A
412	N/A	Dalmatia Go Fund Me page 4	N/A	N/A
413	N/A	Dalmatia Fig Spread Formula Sheets	N/A	LFF0029684
414	2/25/2016	Dalmatia Facebook page	N/A	N/A
415	9/24/2015	Email from Magee to Gellert dated 9/24/15 RE: Fig spread current event	Magee 47	DIG 00010246
416	5/27/2016	Dalmatia's Memorandum in Support of its Motion to Dismiss Foodmatch's Counterclaims	N/A	N/A
417	4/2/2015	Email from Hunt to Mike Thompson dated 4/2/15 RE: Fig orders	N/A	LFF0014250-254
418	5/28/2015	Email from Hunt to Magee dated 5/2/15 RE: Sample recap	N/A	LFF005082-083

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EX. #	DATE	DESCRIPTION	DEP. EX. #	BATES
419	6/3/2015	Email from Hunt to Magee dated 6/3/15 FW: Samples today	N/A	LFF0015075-077
420	6/4/2015	Email from Magee to Hunt dated 6/4/15 RE: Hi Matt	N/A	LFF0015038
421	7/20/2015	Email from Straub to Mike Thompson dated 7/20/15 RE: Dalmatia	N/A	LFF0014976-977
422	7/24/2015	Email from Hunt to Mike Thompson dated 7/24/15 RE: Dalmatia	N/A	LFF0014961-963
423	7/31/2015	Email from Hunt to Mike Thompson dated 7/31/15 RE: Neb	N/A	LFF0014936
424	8/11/2015	Email from Hunt to Mike Thompson dated 8/11/15 RE: Dalmatia	N/A	LFF0014902-904
425	8/11/2015	Email from Magee to Hunt dated 8/11/15	N/A	LFF0014897
426	8/27/2015	Email from Magee to Sanllet dated 8/27/15 RE: Samples approved	N/A	LFF0014854
427	9/15/2015	Email from Hunt to Sanlley dated 9/15/15 RE: Dec Production	N/A	LFF0014782
428	9/22/2015	Email from Magee to Hunt dated 9/22/15 RE: QC	N/A	LFF0014741
429	9/22/2015	Email from Hunt to Magee dated 9/22/15 RE: Production	N/A	DIG 00013665
430	9/23/2015	Email from Hunt to Magee dated 9/23/15 RE: Most released	N/A	LFF0014729
431	10/6/2015	Email from Magee to Straub dated 10/6/15 RE: Payments/2nd string brand	N/A	LFF0014669
432	9/24/2015	Email from Maia Magee to Mari Meriluoto. Re: Marketing resources Simplified	N/A	ATL 00051
433	10/8/2015	Malone. Re: Your Questions/WF Info	N/A	ATL 00054 – 00056
434	10/13/2015	Email from Maia Magee to Alisa Malone. Re: Trader Joe's	N/A	ATL 00057 -00058
435	10/13/2015	Email from Maia Magee to Alisa Malone. Re: Trader Joe's	N/A	ATL 00059 – 00060
436	10/14/2015	Email from Maia Magee to Alisa Malone. Re: Simplified Copy	N/A	ATL 00142 – 00148

## Defendant Lancaster Fine Foods' Trial Exhibit List

EX. #	DATE	DESCRIPTION	DEP. EX. #	BATES
437	10/27/2015	Email from Alisa Malone to Maia Magee; Jazmine Sanlley. Re: Order – Thank you	N/A	ATL 01157 - 01158
438	12/1/2015	Email from Alisa Malone to Maia Magee. Re: Atalanta November Pricing	N/A	ATL 01255 - 01257
439	12/22/2015	Email from Thomas Gellert to Alisa Malone. Re: Organic Price Increase	N/A	ATL 00734 – 00735
440	1/21/2016	Email from Maia Magee to Alisa Malone. Re: SF—FFS Recap	N/A	ATL 00723 – 00724
441	1/21/2016	Email from Maia Magee to Alisa Malone. Re: Game Plan for reps/brokers	N/A	ATL 00718 – 00719
442	1/21/2016	Email from Maia Magee to Alisa Malone. Re: Minis	N/A	ATL 00717
443	2/8/2016	Email from Maia Magee to Alisa Malone; Thomas Gellert; Bob Gellert. Re: Foodservice Pack and Price	N/A	ATL 00681 – 00682
444	2/8/2016	Email from Thomas Gellert to Maia Magee. Re: Problem and Solution Outlined	N/A	ATL 00678
445	2/9/2016	Email from Alisa Malone to PM-Business Development; Sales_East Coast; Sales_LA-Cust Service; Sales_NJ-Cust Service; Sales_West Coast. Re: Dalmatia Court Order against Foodmatch	N/A	ATL 00381 – 00388
446	2/16/2016	Email from Maia Magee to Alisa Malone; Neb Chupin. Re: Lost big to divina	N/A	ATL 01492 – 01494
447	2/16/2016	Email from Maia Magee to Alisa Malone. Re: Distributors/Retailers we will lose	N/A	ATL 00622 - 00627
448	2/16/2016	Email from Michael Meadows to Maia Magee. Re: Dalmatia Bulk talk – Going head to head with Divina product from Foodmatch	N/A	ATL 00910 – 00911
449	2/18/2016	Email from Thomas Gellert to Alisa Malone; Maia Magee. Re: Review – Letter to the trade	N/A	ATL 00617 – 00619

## Defendant Lancaster Fine Foods' Trial Exhibit List

EX. #	DATE	DESCRIPTION	DEP. EX. #	BATES
450	2/18/2016	Email from Alisa Malone to Jazmine Sanlley; Maia Magee. Re: FW:ADS FOR DEBBIE FOR APRIL	N/A	ATL 01093 – 01094
451	3/29/2016	Email from Maia Magee to Alisa Malone. Re: IRC's on Dalmatia spreads	N/A	ATL 00577 – 00579
452	4/8/2016	Email from Maia Magee to Alisa Malone; Thomas Gellert. Re: Figs from Mediterranean	N/A	ATL 01254
453	5/9/2016	Email from Alisa Malone to Jazmine Sanlley; Maia Magee. Re: Original Dalmatia Fig Spread	N/A	ATL 01203 – 01204
454	6/3/2016	Email from Alisa Malone to Maia Magee; Jazmine Sanlley. Re: Foodmatch sour cherry and other items	N/A	ATL 01200 – 01201
455	4/8/2016	Email from Maia Magee to Alisa Malone; Thomas Gellert. Re: Figs from Mediterranean	N/A	ATL 01254
456	6/23/2016	Email from Alisa Malone to Maia Magee. Re: Foodmatch's Greek Supplier on their Fig Spread	N/A	ATL 01193 – 01194
457	7/21/2016	Email from Thomas Gellert to Maia Magee. Re: HACCP Flow Chart for the Dalmatia items	N/A	ATL 01251 – 01253
458	N/A	SMS Jar	N/A	N/A
459	N/A	Atalanta Marketing Statement for Dalmatia	N/A	N/A
460	N/A	Image of Dalmatia lid - Dalmatia Orange Fig Spread	N/A	N/A
461	N/A	Dalmatia Presentation	N/A	ATL 00193 - 00204
462	N/A	Dalmatia Fig Spread Jar	N/A	N/A
<b>Defendants reserve the right to counterdesignate any exhibits identified by plaintiffs</b>				